

REMARKS

Claims 1-31 were previously pending in the application. By the Amendment, Claims 2, 4-5, 11-12, 16-17 and 20 are currently amended, Claims 1, 3, 18 and 30 are canceled without prejudice, new Claims 32-38 have been added, and original Claims 6-10, 13-15, 19, 21-29 and 31 remain unchanged.

The Examiner objected to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Figs. 4-6 and 8-9 have been amended to include reference character "B" referring to the "base" of the goods units. Replacement Sheets including the amended drawings are enclosed herewith. No new matter has been added.

The specification has been amended to include a reference character "B" for the "base" of the goods units in paragraphs 40 and 43 of the application. No new matter has been added.

The claims stand rejected under the cited prior art of record. Specifically, Claims 1-3, 5-10, 16-18, 20 and 30 are rejected under 35 USC §102(b) as being anticipated by Lemelson (US 3,788,500). Claims 4, 11-15, 19, 21-29 and 31 are rejected under 35 USC §103(a) as being unpatentable over Lemelson in view of Shimizu (US 6,814,219).

Shimizu (US 6,814,219) is not available as prior art for the present application under any of the provisions of 35 USC §102. Shimizu claims priority to PCT Publication No. WO02/24507 filed September 12, 2001 and Japanese Patent Application No. 2000-288390 filed September 22, 2000. However, Shimizu is not entitled to be prior art under 35 USC 102(e) for the filing date of September 22, 2000 of Japanese Patent Application No. 2000-288390.

The present application claims priority under 35 USC §119 to German Application No. DE 101 20 576.7 filed April 26, 2001 and German Application No. DE 101 29 570.7 filed June 20, 2001. Applicants have herewith submitted an English language translation of DE 101 29 570.7 filed June 20, 2001 to perfect their priority claim.

Original Claim 4 has been rewritten in independent form to include all the limitations of the base claim and any intervening claims. Claim 4 was rejected under 35 USC §103(a) as being unpatentable over Lemelson in view of Shimizu. As described

above, Shimizu is not prior art for the present application. Therefore, newly-independent Claim 4 is allowable and withdrawal of the corresponding rejection is respectfully requested. Dependent Claims 2 and 5-17 depend from Claim 4 and should be allowed for the same reasons and also because they recite additional patentable subject matter.

Original independent Claim 19 was rejected under 35 USC §103(a) as being unpatentable over Lemelson in view of Shimizu. As described above, Shimizu is not prior art for the present application. Therefore, independent Claim 19 is allowable and withdrawal of the corresponding rejection is respectfully requested. Dependent Claims 20-29 depend from Claim 19 and should be allowed for the same reasons and also because they recite additional patentable subject matter.

Original independent Claim 31 was rejected under 35 USC §103(a) as being unpatentable over Lemelson in view of Shimizu. As described above, Shimizu is not prior art for the present application. Therefore, independent Claim 31 is allowable and withdrawal of the corresponding rejection is respectfully requested.

New independent Claim 32 recites an apparatus for at least one of loading and unloading goods units to and from a transport compartment, the apparatus comprising: a support beam extending in a substantially horizontal direction; a crossbeam extending in a direction substantially transverse to the support beam and having a first end and a second end disposed opposite the first end; a first leg connected to the first end of the cross beam and extending downwardly in a substantially vertical direction from the crossbeam; a second leg connected to the second end of the cross beam and extending downwardly in a substantially vertical direction from the crossbeam, the first and second legs being movable toward one another to clamp the goods units and away from one another to release the goods units; and a hydraulic cylinder connecting the crossbeam to the support beam, the cylinder being movable between a retracted condition, in which the crossbeam is moved toward the support beam to lift the goods units, and an extended condition, in which the crossbeam is moved away from the support beam to lower the goods units.

The prior art does not disclose an apparatus for at least one of loading and unloading goods units to and from a transport compartment as recited in Claim 32. Therefore, Claim 32 allowable. Claims 33-38 depends from Claim 32 and should be

allowed for the same reasons and also because it recites additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 2, 4-17, 19-29 and 31-38 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. Please note that Applicants have changed representation and are now represented by new counsel. The formal Revocation of Power of Attorney / New Power of Attorney and Change of Correspondence Address documents will be forthcoming.

Craig J. Loest

Name of Attorney Signing under 37 CFR 1.34

Respectfully submitted.

A handwritten signature in black ink, appearing to read "Craig J. Loest", with a stylized flourish at the end.

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March 16, 2005

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